IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISIDICTION
CONTEMPT PETITION NO.249 OF 1998
IN
WRIT PETITION NO. 2189 OF 1997

Shri.Ratnakar K.Chandorkar]
Adult, residing at 6/7,]
Erandwane, Pune 411004]..Petitioner

Vs.

1. The Commissioner,]
Pune Municipal]
Corporation Building]
Pune]
]
2. The City Engineer,]
Town Planning,]
Pune Municipal Corpn.]
Building, Pune]
]
3. The Development Head,]
Encroachment Section,]
Pune Municipal Corpn.]
Pune]
]
4. The Commissioner of]
Police, Pune]
]
5. State of Maharashtra]..Respondents

....

Ms.Manda Loke for Shriram S.Kulkarni for Petitioner
Mr.R.M.Patne for Mr.R.G.Ketkar for Respondent Nos.1 to 3
Mr.A.H.Palekar for Respondent Nos.4 and 5

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CORAM : B.H.MARLAPALLE,J.
DATE : FEBRUARY 18,2005

ORAL JUDGMENT:

1. Writ Petition No.2189 of 1997 was decided by the Division Bench of this Court on 6.11.1997. It was alleged by the petitioner therein who is the present petitioner that the parking place of hotel Sweekar located on the road starting from Karve Road and

going to Mhatre bridge in Pune City, open space was being used for parking or as an extension of the Restaurant area. The learned counsel for the Corporation furnished an undertaking before this Court that the respondent nos.1 to 3 shall enquire whether the parking place is even used for some other activity and if it was being so used, the respondents would take action as per law.

2. The petitioner has alleged in this Contempt Petition that the respondents nos. 1 to 3 did not follow the undertaking furnished and as noted in the order dated 6.11.1997 passed in Writ Petition no.2189 of 1997 and thus they have wilfully acted in breach of the said undertaking. He therefore, prays for punishing the respondent nos.1 to 3 for contempt of the order passed by this Court and within the meaning of Section 2(b) of the Contempt of Courts Act, 1971.

2A. This Contempt Petition was required to be dismissed at the threshold for the simple reason that none of the alleged contemnors have been impleaded by their names. If the petitioner prayed for punishing the Officers concerned, it was necessary that they were named in the petition and none of them have been so named.

3. Even otherwise, the learned counsel for the

respondent nos.1 to 3 has placed on record a copy of the notice dated 18.7.1998 addressed to Mr.S.K.Pai and others of Hotel Sweekar under Section 53(1) of the MRTP Act, 1966. The same notice appears to be the sequel of the undertaking furnished before this Court in W.P.No. 2189 of 1997 on behalf of the respondents nos.1 to 3. The notice appears to have been issued after causing inspection of the premises of Hotel Sweekar. The learned counsel for the respondents nos.1 to 3 further states that the said notice came to be challenged in a civil suit and the suit has been decreed. First Appeal filed by the Municipal Corporation Pune, was dismissed and therefore, the Corporation has approached this Court in the Second Appeal.

4. It is evident that even otherwise the respondents nos.1 to 3 did take due steps as permissible in law and as per the undertaking furnished before this Court on their behalf and therefore, the allegation that they acted in breach of the undertaking and thus committed contempt within the meaning of Section 2(b) of the Contempt of Courts Act, 1971 are devoid of merits.

5. Petition therefore fails and the same is hereby dismissed. Rule discharged.

. Certified copy of this judgment is expedited.

[B.H.MARLAPALLE,J.]